

CAO REVIEW OF CITY AUDITOR RECOMMENDATIONS

Sec. 26. Mayor's estimate.

(f) A statement from the city auditor of the total probable income of the city from taxes for the period covered by the mayor's estimate.

Sec. 26. Mayor's estimate.

(f) A statement from the city auditor of the total probable ~~income~~ revenues of the city's General Fund ~~from taxes~~ for the period covered by the mayor's estimate.

NO ISSUES OR CONCERNS, RECOMMEND INCLUSION

Sec. 75. [Suit on bonds or notes.]

No such action to enjoin the performance of a contract entered into, or the payment of any bonds or notes issued by the city, shall be brought or maintained unless commenced within one year from the date of such contract bonds or notes.

Intent?

THE INTENT HERE IS TO LIMIT TO ONE YEAR THE AMOUNT OF TIME A THIRD PARTY WOULD HAVE TO FILE A TAXPAYER ACTION IN ORDER TO PROVIDE FOR CERTAINTY TO CONTRACTORS/VENDORS, ETC. IN THE EXECUTION OF CITY CONTRACTS/ISSUANCE OF CITY BONDS/NOTES. THIS PROVISION MIRRORS STATE LAW – ORC 733.60 – AND IT IS RECOMMENDED THAT IT REMAIN AS WRITTEN.

Sec. 84. [Payment of claims.]

The auditor shall draw the warrant on the treasury to the order of the person or persons to whom payment is lawfully due, which warrant shall specify the fund upon which it is drawn. No payment, however, of any claim shall be deemed as lawful and subject to payment by the auditor unless it be pursuant to and in strict compliance with an appropriation by council and written approval by the head of the department in which the obligation was incurred.

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Sec. 91. [Disbursement of funds.]

The treasurer shall disburse funds in custody only on warrant of the auditor, unless otherwise directed by the general laws of the state or this charter.

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The treasurer shall disburse funds in custody only on warrant of the auditor, unless otherwise directed by the general laws of the state or this charter. The auditor shall prescribe the form of warrant to be issued as provided for under the general laws of the state or by ordinance of Council. ~~Warrants may include physical checks or drafts on an official depository, bank wire transfers from an official depository, or electronic payment or electronic funds transfer through an official depository.~~

CAO AGREES THAT AN AMENDMENT IS NEEDED BUT RECOMMENDS THAT THE SPECIFIC FORM OF WARRANT, WHICH CAN CHANGE AS TECHNOLOGY EVOLVES, BE ENACTED IN CODE RATHER THAN CHARTER

Sec. 93. [Depositories and investments.]

Council shall provide by ordinance for the deposit of all public moneys coming into the hands of the treasurer in such bank or banks, or building and loan or savings association or companies, situated within the county, as offer, at competitive bidding, the highest rate of interest and give good and sufficient security. Council shall further provide by ordinance for regulations governing the investment of moneys of the municipal corporation and the sale of such investments.

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Sec. 120. Outstanding utility debt obligations.

The city shall, out of the revenues of the city utilities, unless another funding source is determined by the mayor and the city auditor, with approval of council, cause to be paid and transferred to a utility debt obligation bond retirement fund of the city a sufficient amount of money to pay the interest and principal on outstanding utility debt obligations as they mature.

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NO ISSUES OR CONCERNS, RECOMMEND INCLUSION

Sec. 226. Oath of office.

Every officer of the city shall, before entering upon the duties of office, take and subscribe to an oath or affirmation as required by general law, which oath or affirmation shall be filed and kept in the office of the auditor.

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Every officer of the city shall, before entering upon the duties of office, take and subscribe to an oath or affirmation as required by general law, which oath or affirmation shall be filed and kept in the office of the ~~auditor~~ city clerk.

THIS IS A POLICY DECISION, WITHIN THE AUTHORITY OF THE POWERS OF LOCAL SELF-GOVERNMENT TO DECIDE. FOR REFERENCE, THE ORC PRESCRIBES THE “CLERK OF THE MUNICIPAL CORPORATION” AS THE KEEPER OF FILED OATHS OR AFFIRMATIONS – ORC 705.28

ALL CITY

BROADER QUESTIONS

Sec. 22. Emergency measures

All ordinances and resolutions shall be in effect from and after thirty days from the date of their passage by the council except as otherwise provided in this charter. The council may, by a vote of six of its members, pass emergency measures to take effect at the time indicated therein. An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety, or providing for an emergency in the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto.

Procurement?

THIS PROVISION NEEDS FURTHER REVIEW, BROADER CONCERNS

BROADER QUESTIONS

Sec. 158-1. Resident requirements for certain employees.

Unless otherwise specifically provided by this Charter, all employees in the unclassified service and in the competitive class of classified service of the City shall at all times, during their employment, maintain their residence within the boundary lines of the County of Franklin or within the boundary lines of the counties that border on the County of Franklin, except when assigned to City work outside said counties in which case residency within the counties wherein they work shall be required.

OHIO SUPREME COURT DECISION AND ORC HAVE INVALIDATED MOST OF THIS SECTION.

STATE LAW ALLOWS FOR ONLY:

ORC 9.481(B)(1) EXCEPT AS OTHERWISE PROVIDED IN DIVISION (B)(2) OF THIS SECTION, **NO POLITICAL SUBDIVISION SHALL REQUIRE ANY OF ITS EMPLOYEES**, AS A CONDITION OF EMPLOYMENT, TO RESIDE IN ANY SPECIFIC AREA OF THE STATE. [DOES NOT APPLY TO VOLUNTEERS]

(B)(2)(b) **TO ENSURE ADEQUATE RESPONSE TIMES BY CERTAIN EMPLOYEES...TO EMERGENCIES OR DISASTERS...**MAY ADOPT AN ORDINANCE...THAT REQUIRES ANY INDIVIDUAL EMPLOYED... TO RESIDE EITHER IN THE COUNTY...OR IN ANY ADJACENT COUNTY

BROADER QUESTIONS

Sec. 230. Hours of labor.

Except in case of extraordinary emergencies, not to exceed eight hours shall constitute a day's work, and not to exceed forty-eight hours a week's work, for workers engaged on any public work carried on or aided by the municipality, whether done by contract or otherwise. The council shall, by ordinance, provide for the enforcement of the provisions of this section.

THIS MIRRORS ART. II, SEC. 37 OF THE OHIO CONSTITUTION WITH THE EXCEPTION OF THE LAST SENTENCE (WHICH IS IMPLIED). RECOMMEND LEAVE THIS IN

BROADER QUESTIONS

Sec. 231. Annual reports.

The various officers, boards and heads of departments shall annually report to council in comprehensive and systematized detail, the financial and other transactions of the departments or divisions thereof under their supervision or control. Such reports shall cover such period of time and be made in the manner and at the time that council shall by ordinance prescribe. The city clerk shall compile the reports as the annual report of the city and shall publish such annual report by the production of a permanent electronic record that is made available to the public pursuant to the general laws of the state governing public records.

THERE IS AN OBLIGATION, UNDER ORC 117.38 FOR EVERY PUBLIC OFFICE (WHICH INCLUDES A POLITICAL SUBDIVISION) TO FILE A FINANCIAL REPORT FOR EACH FISCAL YEAR. ASIDE FROM THAT, THIS IS A POLICY CALL

BROADER QUESTIONS

Sec. 240. Open meetings.

The public bodies of the city shall hold all meetings in accordance with the general laws of the state pertaining to open meetings. In addition to those entities defined as public bodies in the general laws of the state, an entity of the city shall be considered a public body for purposes of this section if its members are appointed by an officer of the city, and the entity has been established and its members appointed for the sole purpose of advising any officer or decision-making body of the city.

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